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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	**ZOGHBI et al.**	§	**Atty Docket: P01899US2**
Application No.:	**09/585,645**	§	**Customer No. 26271**
Filing Date:	**June 1, 2000**	§	**Group Art Unit: 1633**
Title:	**Compositions and Methods for the Therapeutic Use of an Atonal-Associated Sequence for Deafness, Osteoarthritis, and Abnormal Cell Proliferation**	§	**Examiner: C Qian**
		§	**(09906355 / OTA 99-47)**

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RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENTS

Commissioner for Patents
Box Non-Fee Response
Washington D.C. 20231

Via U.S. Express Mail #EK102664439US

Dear Sir:

This is in response to the Office Action mailed September 14, 2001 in the above-referenced application. Applicants submit this response prior to October 14, 2001 in a timely manner.

Applicants herein elect Group IV of the restriction, with traverse, directed to claims 40-50 and 112-119, drawn to a method of generating hair cells and a composition comprising *atonal*-associated nucleic acid sequence.

Applicants herein cancel claims 1-39 and 51-111, but reserve the right to pursue these claims in subsequent prosecution.

Applicants herein submit the following new claims pursuant to Group IV:

120. A fusion protein comprising an *atonal*-associated amino acid sequence or fragment thereof and a desired amino acid sequence.

121. A nucleic acid sequence encoding the fusion protein of claim 120.

A1

122. The method of claim 40, wherein the method comprises delivering an *atonal*-associated nucleic acid sequence and a second nucleic acid sequence encoding a non-*atonal*-associated therapeutic agent.

A1

123. The composition of claim 112, wherein the composition further comprises an additional amino acid sequence or nucleic acid sequence that is not an *atonal*-associated nucleic acid sequence or amino acid sequence.

Support for new claims 120 and 121 is found, for example, on page 52, lines 5-12. Support for new claims 122 and 123 is found, for example, on page 58, lines 4-10; page 59, line 9 through page 61, line 12; and page 61, lines 15-23.

Applicants assert that no fees are due pursuant to the new claims in light of the cancellation of claims 1-39 and 51-111. If any fees are required, however, or if fees are deficient at any time during the prosecution of this application, please charge them to the standing account of Fulbright & Jaworski L.L.P. 06-2375, under Order No. 09906355.

Respectfully submitted,

Melissa L. Sistrunk
Reg. No. 45,579

Date: Oct. 10, 2001

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